

BELL, McANDREWS & HILTACHK, LLP
ATTORNEYS AND COUNSELORS AT LAW
1441 FOURTH STREET
SANTA MONICA, CALIFORNIA 90401

(310) 458-1405
FAX (310) 260-2666

CHARLES H. BELL, JR.
COLLEEN C. McANDREWS
THOMAS W. HILTACHK
BRIAN T. HILDRETH
CHERYL L. LOMBARD
JIMMIE E. JOHNSON

PAUL GOUGH
OF COUNSEL

455 CAPITOL MALL, SUITE 801
SACRAMENTO, CA 95814
(916) 442-7757
FAX (916) 442-7759
www.bmhlaw.com

May 27, 2004

Mr. Jeff S. Jordan
Supervisory Attorney
Complaints Examinations and Legal Administration
Federal Election Commission
Washington, DC 20463

Re: MUR 5440, Anne G. Earhart

Dear Mr. Jordan:

This firm represent Ms. Anne G. Earhart, who was advised by you that she was a respondent in complaint MUR 5440. A Statement of Designation of Counsel has been provided to you.

After I received the complaint on or about May 10, 2004 and your courtesy extension, I examined it and immediately noticed that Ms. Earhart is not listed as a respondent in the caption of the complaint. In fact, the person filing the complaint is not even identified in the caption of the complaint. Ms. Earhart is not mentioned in the body of the complaint and there are no specific allegations made against her in the complaint. Section 11 CFR 111.4 (d)(1) provides that any complaint filed with the FEC "should clearly identify as a respondent each person or entity who is alleged to have committed a violation."

Therefore, as to Ms. Earhart, the complaint does not comply with the minimum requirements set forth in the Code of Federal Regulations. It also appears that a possible photocopy error reversed the exhibits to the complaint. Ms. Earhart's name appears only in Exhibits P or Q and Exhibit L (although due to the photocopy error, these may be the wrong alphabet letters) as a donor, along with many other donors who are not named as

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2004 JUN - 1 A 11:46

27044180695

Memorandum to Mr. Jeff S. Jordan

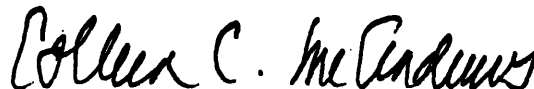
May 27, 2004

Page 2

respondents in the caption of the complaint nor mentioned in the body of the complaint. No action should be taken against Ms. Earhart by the FEC based on this complaint because the complaint contains no allegations against Ms. Earhart, does not comply with 11 CFR 111.4, and does not name her as a respondent in the complaint caption.

Therefore, on her behalf, we deny that Ms. Earhart violated any provisions of the Federal Election Campaign Act of 1971 as amended. At such time as the complainants provide an amended complaint containing allegations against our client which constitute a violation of a statute or regulation over which the Federal Election Commission has jurisdiction, we will be happy to respond further.

Very truly yours,



Colleen C. McAndrews

CCM/ab

cc: Ms. Anne G. Earhart

27044180696